

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION

Call to Order: Chairman Donald J. Steinbeisser, on February 17,
2009 at 3:00 P.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Donald J. Steinbeisser, Chairman (R)
Sen. Terry Murphy, Vice Chairman (R)
Sen. Bradley Hamlett (D)
Sen. Ken (Kim) Hansen (D)
Sen. Verdell Jackson (R)
Sen. Cliff Larsen (D)
Sen. Rick Ripley (R)

Members Excused:

Sen. Gary Branae (D)
Sen. Taylor Brown (R)

Members Absent: None

Staff Present: Joan Linkenbach, Committee Secretary
Sue O'Connell, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 337, 2/3/2009; SB 407,
2/10/2009; SJR 20, 2/8/2009

Executive Action: SB 300; SB 322; SB 217; SJR 20

HEARING ON SB 337

Opening Statement by Sponsor:

00:01:19 Sen. John Brenden (R), SD 18, opened the hearing on SB 337, Revise laws governing bison--re: translocation of quarantined bison.

00:01:29 Sen. Branae now present

Proponents' Testimony:

00:07:39 Chuck Rein, previous Chairman, Montana Stockgrowers Association Landowner/Recreation/Wildlife Committee

EXHIBIT (ags37a01)

00:10:31 Jay Bodner, Montana Stockgrowers Association (MSA)

00:14:00 Suze Bohleen, Board Member, Montana Cattle Women

00:16:25 Carl Seilstad, Fergus County Commissioner; First Vice President, Montana Association of Counties (MACo)

00:17:29 Jay Bodner, spoke in support for Montana Farm Bureau

Opponents' Testimony:

00:17:52 Chris Smith, Deputy Director, Fish, Wildlife and Parks (FWP)

EXHIBIT (ags37a02)

00:27:06 Ilona Popper

EXHIBIT (ags37a03)

00:32:13 Tom Sheperd

00:38:27 John Munding, Private Consultant, Fish Wildlife and Parks; represented Fish Wildlife and Parks on the Greater Yellowstone Inter-agency Brucellosis Committee; Co-author of the Inter-agency Bison Management Plan

00:43:43 Sen. Branae left the room.

00:45:42 Sen. Ripley

00:46:04 Chairman Steinbeisser

00:46:14 John Vore, Montana Chapter Wildlife Society

EXHIBIT (ags37a04)

00:49:23 Dr. Marty Zaluski, State Veterinarian, Montana Department of Livestock (MDL)

00:51:59 Martha Adkins, read support from Carolyn Duckworth, President, Bear Creek Council

EXHIBIT (ags37a05)

00:53:23 Jeff Stiffarm, Fort Belknap Indian Reservation;
Director, Fish and Wildlife Buffalo Department; Vice
President, Montana/Wyoming Tribal Fish and Wildlife

EXHIBIT (ags37a06)

00:55:32 Robert Magnan, Director, Fort Peck Tribes Fish and Game
Department

EXHIBIT (ags37a07)

00:57:39 Keith Aune, Wildlife Conservation Society (WCS)

01:00:37 Mike Fox, Fort Belknap Fish and Wildlife,
Buffalo Department (FBFW)

01:02:07 Donald Fred Matt, Executive Director, Native American
Fish and Wildlife Society; Past Chairman,
Salish/Kootenai Tribe

01:03:35 Matt Skoglund, Wildlife Advocate for Natural Resource
Defense Council

01:05:03 Jonathan Proctor, Defenders of Wildlife

EXHIBIT (ags37a08)

01:06:41 Larry Copenhaver, Conservation Director for Local
Issues, Montana Wildlife Federation

01:08:12 Jennifer Nitz

01:10:08 Karrie Taggart, Coordinator for Horse Butte Neighbors
of Buffalo

01:11:31 Glenn Hockett, Volunteer President, Gallatin Wildlife
Association

Informational Testimony: None.

Questions from Committee Members and Responses:

01:12:16 Sen. Hansen

01:13:57 Mr. Fox, FBFW

01:15:03 Sen. Hansen

01:15:19 Mr. Fox, FBFW

01:15:48 Sen. Larsen

01:16:53 Mr. Smith, FWP

01:17:19 Sen. Larsen

01:17:37 Mr. Smith, FWP

01:17:45 Sen. Larsen

01:18:11 Sen. Brenden

01:18:34 Sen. Ripley

01:19:12 Mr. Mundlinger, FWP

01:21:16 Sen. Ripley

01:21:23 Mr. Mundlinger, FWP

01:21:37 Dr. Zaluski, MDL

01:21:44 Sen. Ripley

01:21:54 Mr. Mundlinger, FWP

01:22:42 Sen. Ripley
01:22:50 Dr. Zaluski, MDL
01:23:43 Chairman Steinbeisser
01:24:11 Mr. Smith, FWP
01:25:05 Sen. Hamlett
01:25:37 Mr. Mundlinger, FWP
01:26:00 Mr. Aune, WCS
01:26:33 Sen. Hamlett
01:26:56 Mr. Smith, FWP
01:29:21 Mr. Mundlinger, FWP

Closing by Sponsor:

01:30:33 Sen. Brenden

01:35:36 Recess
01:41:24 Reconvened

HEARING ON SB 407

Opening Statement by Sponsor:

01:41:39 Sen. Rick Ripley (R), SD 9, opened the hearing on SB 407, Revise district court confirmation of federal water contracts.

Proponents' Testimony:

01:44:41 Bill Hritsco, Attorney; Member, Board of Directors, Montana Water Resources Association
01:46:36 Sen. Branae now present
01:53:19 Bob Hardin, Greenfields Irrigation District
EXHIBIT(ags37a09)

01:55:38 Jerry Nypen, Manager of three Montana irrigation districts on the Lower Yellowstone River
EXHIBIT(ags37a10)

01:58:01 Sen. Hansen left the room.
01:59:09 John Tubbs, Department of Natural Resources and Conservation, (DNRC)
01:59:36 Sen. Hansen now present
02:01:41 Mike Murphy, Executive Director, Montana Resource Association, (MRC)

Opponents' Testimony:

02:02:38 Michael Van Deren, Owner, Open A Ranch
02:08:02 Mike Cusick, Water Rights Attorney

02:16:28 Sen. Hansen left the room.

02:17:45 Trisha Lund, Attorney

[EXHIBIT\(ags37a11\)](#)

[EXHIBIT\(ags37a12\)](#)

02:20:19 Chairman Steinbeisser left the room.

02:20:45 Vice Chairman Murphy took the chair.

02:23:37 Sen. Hansen now present

02:23:46 Walter Van Deren, Open A Ranch

Informational Testimony:

02:24:35 Dan Jewell, Area Manager, Montana Bureau of Reclamation
(MBR)

Questions from Committee Members and Responses:

02:27:12 Sen. Hansen

02:27:52 Mr. Tubbs, DNRC

02:28:18 Mr. Jewell, MBR

02:28:35 Sen. Hamlett

02:29:09 Mr. Jewell, MBR

02:29:31 Sen. Brown

02:29:46 Mr. Jewell, MBR

02:30:07 Sen. Brown

02:30:15 Mr. Jewell, MBR

02:30:43 Sen. Jackson

02:31:16 Mr. Jewell, MBR

02:31:32 Sen. Brown

02:32:13 Mr. Tubbs, DNRC

02:33:02 Sen. Brown

02:33:26 Mr. Tubbs, DNRC

02:34:12 Sen. Brown

02:34:26 Sen. Larsen

02:34:51 Ms. Lund

02:35:33 Sen. Larsen

02:36:05 Sen. Steinbeisser now present

02:36:16 Ms. Lund

02:36:43 Sen. Brown

02:37:04 Ms. Lund,

02:37:51 Vice Chairman Murphy

02:38:31 Mr. Cusick

02:39:14 Vice Chairman Murphy

02:39:42 Mr. Cusick

02:39:56 Vice Chairman Murphy

02:40:16 Mr. Tubbs, DNRC

02:44:06 Vice Chairman Murphy

02:44:22 Chairman Steinbeisser

02:46:13 Sen. Brown

02:46:42 Mr. Murphy, MRC
02:47:17 Sen. Brown
02:47:31 Sen. Ripley
02:48:24 Vice Chairman Murphy
02:49:31 Mr. Tubbs, DNRC

Closing by Sponsor:

02:52:33 Sen. Ripley
02:53:53 Chairman Steinbeisser resumed the chair.

02:55:10 Recess
02:55:48 Reconvened

HEARING ON SJ 20

Opening Statement by Sponsor:

02:56:04 Sen. Bob Story (R), SD 30, opened the hearing on SJ 20,
Urge Congress to legalize industrial hemp.

Proponents' Testimony:

02:57:24 Representative Bergren, House District 33
03:00:00 Chris Christiaens, Montana Farmers Union (MFU);
Montana Farm Bureau (MFB)

EXHIBIT(ags37a13)

03:05:42 Sabrina Smith, Missoula Retailer
03:08:19 Angela Goodhope

EXHIBIT(ags37a14)

03:10:53 Jeremy Briggs, Board Member of The Hemp Industries
Association; President of the Hemp Council; Editor of
Hemphasis.net; Owner, Authentic Creations; Owner,
Natural Selections.
03:11:55 Sen. Brown left the room.
03:13:36 Sen. Brown now present

Opponents' Testimony: None.

Informational Testimony:

03:23:30 Tom Daubert, Patients and Family United
EXHIBIT(ags37a15)

03:25:16 Sen. Brown left the room.

Questions from Committee Members and Responses:

03:26:53 Sen. Hansen
03:27:26 Mr. Christiaens, MFU, MFB
03:27:53 Sen. Hansen
03:28:00 Mr. Christiaens, MFU, MFB
03:28:25 Sen. Ripley
03:28:34 Mr. Christiaens, MFU, MFB
03:29:15 Sen. Brown
03:29:35 Mr. Christiaens, MFU, MFB
03:30:15 Sen. Brown
03:30:49 Mr. Christiaens, MFU, MFB
03:31:58 Sen. Brown
03:32:58 Mr. Christiaens, MFU, MFB
03:33:59 Sen. Brown
03:34:23 Mr. Christiaens, MFU, MFB

Closing by Sponsor:

03:35:11 Sen. Story
03:36:05 Chairman Steinbeisser
03:36:54 Sen. Brown

EXECUTIVE ACTION ON SB 300

There being no objection, there was no Do Pass motion.

03:37:04 **Motion:** Sen. Steinbeisser moved that **SB 300 BE AMENDED.**
EXHIBIT(ags37a16)

Discussion:

03:38:10 Chairman Steinbeisser
03:38:40 **Vote:** Motion carried unanimously.
03:38:52 **Motion/Vote:** Sen. Steinbeisser moved that **SB 300 DO PASS AS AMENDED.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 322

There being no objection, there was no Do Pass motion.

03:39:52 **Motion:** Sen. Jackson moved that **SB 322 BE AMENDED.**
EXHIBIT(ags37a17)

Discussion:

03:41:23 Sen. Brown
03:41:29 Sen. Jackson
03:41:46 Sen. Brown
03:41:50 Sen. Jackson
03:42:38 Sen. Hamlett
03:43:10 Sen. Ripley
03:43:41 Sen. Larsen
03:44:21 Sen. Hansen

Without Objection:

03:44:29 Donna Rise, Department of Agriculture (DOA)
03:45:31 Chairman Steinbeisser
03:45:42 Ms. Rise, DOA
03:45:54 Chairman Steinbeisser
03:46:20 Sen. Jackson

03:48:19 **Vote:** Motion carried 8-1 by voice vote with Sen.
Hansen voting no.

03:48:19 **Motion:** Sen. Brown moved that **SB 322 BE AMENDED.**
EXHIBIT(ags37a18)

Discussion:

03:48:21 Sue O'Connell, LSD
03:48:25 Sen. Brown
03:48:42 Sen. Larsen

03:48:45 **Vote:** Motion carried unanimously by voice vote.

03:49:55 **Motion:** Sen. Jackson moved that **SB 322 BE**
AMENDED.
EXHIBIT(ags37a19)

Discussion:

03:51:53 Sen. Murphy
03:52:32 Sen. Larsen
03:54:32 Sen. Brown
03:54:37 Ms. Rise, DOA
03:55:54 Sen. Brown
03:56:08 Ms. Rise, DOA
03:56:13 Sen. Brown
03:56:18 Ms. Rise, DOA
03:56:37 Sen. Brown
03:56:41 Ms. Rise, DOA

03:57:06 Sen. Brown
03:57:34 Ms. Rise, DOA
03:57:42 Chairman Steinbeisser
03:57:48 Sen. Jackson
03:59:01 Chairman Steinbeisser
03:59:10 Sen. Ripley
03:59:35 Sen. Jackson withdrew the motion.

04:00:49 **Motion:** Sen. Ripley moved that **SB 322 BE AMENDED.**
EXHIBIT (ags37a20)

04:01:22 Sue O'Connell, LSD

04:01:35 **Vote:** Motion carried unanimously by voice vote.

04:01:56 **Motion:** Sen. Jackson moved that **SB 322 DO PASS AS AMENDED.**

Discussion:

04:02:15 Sen. Brown
04:02:54 Sen. Larsen

04:03:00 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 217

04:03:10 **Motion:** Sen. Ripley moved to **RECONSIDER PREVIOUS ACTION TO TABLE SB 117.**

Discussion:

04:05:53 Sen. Larsen
04:06:01 Sen. Ripley
04:06:29 Sen. Hansen
04:06:45 Sen. Brown
04:07:21 Sue O'Connell, LSD
04:07:29 Sen. Brown
04:07:32 Chairman Steinbeisser
04:07:51 Sen. Ripley
04:08:39 Steinbeisser

04:08:50 **Vote:** Motion carried 6-2 by voice vote, present and voting, with Sen. Hamlett and Sen. Hansen voting no.

Further discussion:

04:09:14 Sen. Ripley

04:09:21 Sue O'Connell, LSD

04:09:37 **MOTION:** Senator Ripley moved to re-refer **SB 217** to Finance and Claims Committee.

04:10:03 Sen. Larsen

04:10:15 **Vote:** Motion carried 6-3 by voice vote with Sen. Hamlett, Sen. Hansen, and Sen. Larsen voting no.

EXECUTIVE ACTION ON SJ 20

04:11:05 **Motion/Vote:** Sen. Jackson moved that **SJ 20 DO PASS.** Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 7:20 P.M.

Joan Linkenbach, Secretary

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Additional Exhibits:

Referring to SB 337

[EXHIBIT \(ags37a21\)](#)

[EXHIBIT \(ags37a22\)](#)

Additional Documents:

[EXHIBIT \(ags37aad.pdf\)](#)